

REMARKS

The office action of June 30, 2003, has been carefully considered.

It is noted that claims 3, 5 and 9 are rejected under 35 U.S.C. 112, first paragraph.

Claims 5 and 8 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-5 are rejected under 35 U.S.C. 103(a) over the patent to Boss.

Claims 1-3 are rejected under 35 U.S.C. 103(a) over the patent to Gosslinghoff.

Finally, it is noted that claims 6-7 would be allowable if rewritten in independent form, and claim 8 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. 112, second paragraph.

GR-47

Concerning the European reference mentioned in the specification of the present application, this reference has been cited in a previously submitted Information Disclosure Statement and listed on a PTO Form 1449, and has been considered by the Examiner.

Applicant has amended the specification to recite the U.S. equivalent of the European reference. A copy of the U.S. patent is enclosed herewith (5,110,108).

In view of the Examiner's rejections of the claims applicant has canceled claims 2, 4 and 9, and amended claims 1 and 5-7.

It is respectfully submitted that the subject matter contained in the claims is described in the specification to an extent sufficient to enable one skilled in the relevant art to make and/or use the invention. Claim 9 has been canceled, claim 5 is discussed on page 5, lines 10-12 of the specification, and claim 3 does not recite that the adjustable plate is liftable, instead it recites that the conveying means is liftable, and this is discussed in the specification.

GR-47

In view of these considerations it is respectfully submitted that the rejection of claims 3, 5 and 9 under 35 U.S.C. 112, first paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 5 and 8 to address the instances of indefiniteness cited by the Examiner. Thus, it is further respectfully submitted that the rejection of claims 5 and 8 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

The patent to Gosslinghoff discloses an apparatus for processing printed products. Gosslinghoff does not teach a conveying arrangement having at least two opposed adjustable plates with through openings and conveying means that act via the through openings on the printed material, as in the presently claimed invention. Furthermore, Gosslinghoff does not teach that the conveying means include rollers and the drive comprises a stationary roller path and a drive roller connected to the rollers and acted on by the roller path, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3 under 35 U.S.C. 103(a) over the above-discussed reference is overcome and should be withdrawn.

The patent to Boss discloses a rotating guide wheel 9 with receiver pockets 4 arranged around the circumference. The pockets 4 are controllable to be in an open position and a subsequent closed position. The sending of the subsequently switched guide device 1 takes place when the pocket is closed via a removal device 20. The removal device 20 grasps the printed product 6 on one end of the arm 6a and opens via transport organs 11 and guides the product to a take up 2 of the guide device 1.

In the presently claimed invention, on the other hand, the compartments are arranged on the side walls of the plates. The drive of the conveying means is frictionally driven by a drive arrangement 21, wherein Boss drives the removal device with a toothed gearing. Thus, boss does not teach the presently claimed invention.

In view of these considerations it is respectfully submitted

GR-47

that the rejection of claims 1-5 under 35 U.S.C. 103(a) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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Dated: December 30, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 30, 2003.

By: F. Kueffner
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Date: December 30, 2003